

REMARKS

The Office Action objected to claim 1 because of the following informalities: the phrase “moved away for the conduit” in line 5 appears to have a typo regarding the word “for.” Typographical errors in claim 1 have been corrected with this amendment. For example, the word “for” was amended to “from.” Applicant respectfully requests the objection be withdrawn.

CLAIM REJECTIONS – 35 USC § 102

Claims 1, 2, 4-9 and 11-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Kato (US 6,979,337). The Office Action stated, “Kato discloses the invention substantially as claimed including an evertng member with a loop-shaped portion (col. 4, lines 24-30) that is coupled to a handle (grip portions [32a] and [32b] or [7] as the handle), wherein the evertng member comprises a flexible member having two ends (col. 4, lines 25-35).” Applicants respectfully disagree that Kato anticipates independent claim 1 or 8.

Claim 1 sets forth a “Surgical eversion apparatus for preparing a conduit for anastomosis in a human patient using a device with multiple piercing members, said eversion apparatus comprising an evertng member having a loop shaped portion adapted to be inserted into an end portion of a conduit from a human patient and configured to fold a portion of the conduit over itself when it is moved away from the conduit end portion and along the conduit while a portion of the conduit is held fixed relative thereto.” Claim 8 sets forth “A vessel eversion system for preparing a vessel for anastomosis in a human patient, said vessel eversion system comprising: a vessel support device having a proximal end and a distal end; and evertng apparatus comprising an evertng member, said evertng member having a loop shaped portion adapted to be inserted into a portion of a vessel to be prepared for an anastomosis in a human patient and evert the portion of the vessel over said vessel support device when said vessel is coupled to said support device with an end portion thereof extending from said distal end of said support device.”

Kato does not anticipate claim 1 or 8. Kato discloses a “clip ring 60”. The clip ring 60 is pinched between tweezers. The clip ring 60 is not exclusively used if the blood vessel can be fixed by using, instead of the clip ring 60, a divisible pipe-shaped instrument which can be removed after the completion of extroversion. See column 6, lines 28-42. In contrast, claim 8 sets forth a *support device*, not a clip ring.

In the rejection of claim 1, the Office Action pointed to a different Figure of Kato (apparently Figures 1 and 2). Figures 1, 2 and 3A-3C of Kato do not disclose a device with multiple piercing members. As a result, applicants respectfully submit that Kato does not anticipate amended claim 1.

CLAIM REJECTIONS – 35 USC § 103

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US 6,979,337).

As acknowledged in the Office Action under the 103 rejection, Kato does not disclose an evertting member having a loop shaped portion comprising a flexible member having two ends in which the two ends are slidably mounted in a tubular handle.

Applicants respectfully disagree with the position taken in the Office Action. Kato does not supply the necessary disclosure to form the basis for a 103 rejection. Obviousness is not established for lack of a statement of criticality within the four corners of the patent application. Obviousness is also not established for lack of a statement indicating an invention solves some existing problem. A *prima facie* case of obviousness must be based upon one or more teachings that place the subject matter supporting the rejection in the public domain. The Office Action does not disclose any teaching of a device having both ends of the loop being slidably mounted. Further, there is no indication that the cited art, taken as a whole, makes the invention obvious to one skilled in the art. There is no suggestion or evidence that the invention as currently claimed is present in the prior art or obvious to one skilled in the art.

Applicants believe the claims as amended are in condition for allowance, and respectfully request reconsideration by the Examiner.

Support for this amendment is clearly found in the application as originally filed. No new matter is presented.

Examination of the application as amended is requested.

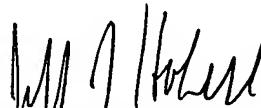
A request for a three (3) month extension of time under 37 C.F.R. 1.136(a) and a Supplemental Information Disclosure Statement (SIDS) have been filed with this amendment.

If the Examiner comes to believe that a telephone conversation may be useful in addressing any remaining open issues in this case, the Examiner is urged to contact the undersigned agent at 763-391-9661.

Please charge any additional required fees or credit any overpayment to Deposit Account No. 13-2546.

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By _____


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